



# Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

## PART 2

### ATTACHMENT

#### *General and miscellaneous provisions*

#### **35 Articles in common ownership**

- (1) Articles which are owned in common by a debtor and a third party may be attached and disposed of in satisfaction of the debts of the debtor.
- (2) Where at any time before an attached article is auctioned—
  - (a) a third party claims to own the article in common with the debtor;
  - (b) either—
    - (i) the officer is satisfied that the claim is valid; or
    - (ii) the sheriff, on an application by the third party, makes an order stating that the sheriff is so satisfied; and
  - (c) the third party pays to the officer a sum equal to the value of the debtor's interest in the article,the debtor's interest in the article shall transfer to the third party.
- (3) Where the sheriff is satisfied—
  - (a) that an article which has been removed from the place at which it was attached is owned in common by the debtor and a third party; and
  - (b) that the auction of the article would be unduly harsh to the third party in the circumstances,the sheriff may, on an application by the third party before the attached article is auctioned, order that the attachment of that article is to cease to have effect.
- (4) Where—
  - (a) the debtor's interest in an article owned in common by the debtor and a third party is, under subsection (2) above, transferred to the third party; or

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*Status: This is the original version (as it was originally enacted).*

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(b) the attachment of an article which is so owned ceases, in pursuance of an order made under subsection (3) above, to have effect,  
the officer may attach other articles which are owned by the debtor and kept at the place at which the original attachment was executed.